## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA NORTHERN DIVISION

ROBERT ANDREW WERMUTH, #189991,	) ) ) Case No. 2:05cv644
Plaintiff,	) Case No. 2.03cvo
SHANNON CARROL YOUNGBLOOD,	)
et al.,	)
Defendants.	)

## AFFIDAVIT OF SHANNON CARROL YOUNGBLOOD

STATE OF ALABAMA	)
COUNTY OF MONTGOMERY	)

Before me, a Notary Public in and for said State and County, personally appeared **Shannon** Carrol Youngblood and, after first being duly sworn by me, did depose and state as follows:

My name is Shannon Carrol Youngblood and I am over nineteen (19) years of age. I am currently employed as a Sergeant with the Montgomery Police Department and assigned to Third Shift Patrol.

On Tuesday, September 30, 2003 at approximately 3:45 a.m., Officers Welch and Deramus responded to the Kwik Shop located at 565 N.E. Boulevard on a possible stolen vehicle, a red Jeep Cherokee. When Officer Welch approached the vehicle and asked the individual (later identified as the Plaintiff, Robert Andrew Wermuth) to step out of the vehicle, Mr. Wermuth sped off dragging Officer Welch a short distance and causing physical injury to Officer Welch.

I was traveling east on Atlanta Highway when I observed a red Jeep Cherokee occupied by one subject traveling west on Atlanta Highway. When I turned around to catch up with the vehicle, the vehicle increased his speed and began making quick turns onto side streets without slowing down or stopping first. I ran a check with dispatch to see if the Jeep was stolen and was advised that it did not come back as being stolen. I then had dispatch contact the owner of the Jeep to inquire if the

vehicle was stolen or if they knew where their Jeep was and who was driving it. I also inquired if there were any other charges against the driver of the Jeep (later identified as the Plaintiff, Robert Andrew Wermuth) other than the misdemeanor charge of Theft 3<sup>rd</sup>. I was advised by Officer Welch that the driver was also wanted in reference to a code 26 (hit and run) with a police vehicle and also for striking a police officer.

The Jeep turned onto Interstate 85 traveling toward Day Street and another Unit (Hill and Horner) fell in behind me. At this time, I had not attempted to stop the vehicle. As the Jeep approached the I-85/I-65 interchange, I attempted to initiate a traffic stop using both my lights and sirens but the Jeep continued onto Day Street. The Jeep continued to ignore my attempts to pull him over, turning on neighborhood streets, approaching speeds of 55 mph. As the jeep turned left onto Rosa L. Parks Avenue, I then asked a rear unit to call the pursuit and 310 (Hill and Horner) began to call the pursuit. The Jeep traveled on Rosa L. Parks Avenue to Mildred Street when it turned left traveling to S. Holt Street when it turned left traveling back toward Day Street. The Jeep turned right onto Day Street traveling west crossing over Oak Street. As the Jeep approached Hill Street, I attempted to slow as the vehicle began to turn left onto Hill Street; however, the brakes on my until failed to stop my vehicle at which time I struck the red Jeep. The Jeep was able to continue across Day Street on Hill and I was able to get my vehicle stopped in the turning lane from Hill Street onto Day Street by using my emergency brake. I did not rejoin the pursuit.

The pursuit continued on to Hill Street turning onto Carlisle Street and stopping on Garland Street where the suspect was taken into custody. Unit 312 (Officers Calhoun and Barrier) responded to my location and completed an accident report for my vehicle (attached hereto as Exhibit A). Attached hereto as Exhibit B is a memorandum dated 09-30-2003 from me to Lt. R. F. Byrne which memorializes my involvement in the pursuit involving the Plaintiff, Robert Andrew Wermuth.

Further affiant saith not.

Shannon C. Youngblood

SWORN to and SUBSCRIBED before me this the 23 day of August, 2005.

Notary Public

My commission expires 2-8-58

AST-27	Case 2:05-cv-00644-080 A UDSPRIM TRAFFIC ACCIDENT HEPURI
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LOCATION AND TIME	Intersection feature
	Fixed Direct Street Address
	Robert Andrew Wermith 970 (agr Am V) Not Compiled With Not Compile
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LEFT	Driver 1 - No Defect 9 - District Sobriety Discrete Prime Harm Event Distriction - Driver 1 - No Defect 4 - III 9 Unknown Sobriety Distriction - Driver 1 - No Defect 4 - III 9 Unknown State Prime Harm Event Distriction - Driver 1 - No Defect 9 - Driver 1 - D
SCENE	Maneuver 8 Travel Road Name H11 St. 5 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
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	Pick Up 13 - Pedal Lycle 4 - Ambulance/ 12 - Bus/Pass 5 - Flammable Solids 5 - 4-Wheel Trailer 11 - Outside 5 - 5 - Tires Coupring 7 - 9 - 13 - 13 - Cargo 7
UNIT 1	6 - Other Truck 16 - Noad Equip. 7 - Comm. Bus 17 - Ridden Animal 6 - Taxi 96 - Other 8 - Radioactive Matt. 9 - Cornosive Material
	9 - Other Bus 19 - Other 19 - Wrecker/Tow   9 - Wrecker/Tow   10 - Motorcycle 96 - Other   9 - Wrecker/Tow   Damage 1 - None Visible 3 - Disabled   Yes No.   Enter Point of Initial Impact   Speed Umit   Est. Speed   Citation Offices Charged   Severity   2   Not Disabled   Sev
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	Gwngr s Name  Grand Management Grant Shops 1935 70. Arrachment Arrachment 7. Camper Trailer (97) None 9. Windows/ W. Shield W. Shield W. Shield (12)
	73 - Pick Up 13 - Pedal Lycle 4 - Ambulance / 12 - Bus / Pass. 5 - Flammable Solids 5 - 4-Wheel Trailer 98 - Other 5 - Tires 5 - Tires 7 - Transport 13 - Cargo 7 - Transport 13 - Transport 13 - Tr
	7 - Comm. Bus 17 - Ridden Animal 6 - last 8 - Radioactive Material 9 - School Bus 18 - M. Home (R.V.) 7 - Transport Prop. Placard 9 - Agriculture 9 - No NA 9 - Cornsive Material 9 - School Bus 18 - M. Home (R.V.) 7 - Transport Prop. Placard 9 - Agriculture 9 - No NA 9 - Occupants in Unit Tatak-Injurgas in Unit Tatak-Inj
:	9 - Other Bus 13 - All 9 - Wrecker/Tow 10 - None Visible 3 - Disabled Yes No Enter Point of Initial Impact
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	C 10 - Improper Fasting 12 - Improper Driving Environ 25 - Veh Public Property 15 - U-Turn 65 - Feditive nuter in Case 16 - Veh Public Property 15 - U-Turn 65 - Feditive nuter in Case 16 - Veh Public Property 15 - U-Turn 65 - Feditive nuter in Case 16 - Veh Public Property 15 - U-Turn 65 - Feditive nuter in Case 16 - Veh Public Property 15 - U-Turn 65 - Feditive nuter in Case 16 - Veh Public Property 15 - U-Turn 65 - Feditive nuter in Case 16 - Veh Public Property 16
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				· Other inv	olved Unit	CODES
	Case		Filed	11/14/2005	Page 5	Of GAFETY EQUIPMENT
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S		Address Name				32 - Used Air Bags 41 - Deployed, Bells Used
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VIC		Address				Child Restraints
N/A		Name Taken To		Taken By		82 - Other Restraint Used 83 - None Used Padal Cycle/Padastrian
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		Z 8 8 - Other Traffic C	11 1	11 - Flanger	97 97 - None 1 1 - Paved Surface	202 - Two Lanes
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	IN	3 3 - Trees, Crops, Bushes 14 14 - Embankment 5 5 - Pedestrian Control	Traffic Cont	,,u	5 - Concrete Barrie 6 - Metal Guard R	ail One-Way Street
	AY E	5 5 Hillcrest 16 16 Snow on Windshield 7 ) - Flashing Beacon		N/A N/A d Crossing No.	7 7 - Fence 98 98 - Other Barrier	Yes Yes
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	Į	A Other Investigating Officer(s) at Scene				
	1	The data on this report rellects my best knowledge, opinion and bolief cycering the accident, but no warrant is Signature of Investigating Officer 4. A Signature of Investigating Officer 4.	made as to the	lactual accuracy thereof.		Date 9/30/03
		The data on this raport rellects my best knowledge opinion and bolief covering the accusent, and the	/			· · · · · · · · · · · · · · · · · · ·
		Signature of Investigating Officer A. 103 (AC)				

To: Lt. R. F. Byrne

From: Sgt. S. C. Youngblood

Date: 09-30-2003

Subject: Vehicle Pursuit/Vehicle Accident (388)

On Tuesday, 09-30-2003 at approximately 0345 hours, unit 322 (Welch and Deramus) themselves out at 565 N. E. Blvd. (Kwick Shop) on a possible code 23 of a red Jeep Cherokee that took off from the store when they attempted to stop it, knocking Pof. Welch to the ground and striking unit 322's marked patrol vehicle. I was traveling east on Atlanta Hwy. when I observed a red Jeep Cherokee traveling west on Atlanta Hwy. occupied by one subject.

When I turned around to catch up with the vehicle, the vehicle sped up. The vehicle turned left onto California St. then with out stopping, turned right onto Mt. Meigs Rd. traveling west on Highland Av. turning south onto Forrest Av. I inquired with channel one to see if the Jeep was stolen. Channel one advised that the vehicle did not come back as being stolen. I then had channel one contact the owner of the Jeep to inquire if the vehicle was stolen or if they knew where their Jeep was. I inquired if unit inquire if the vehicle was stolen or if they knew where their Jeep was. I inquired if unit 322 had any other charges other than the misdemeanor charge of Theft 3<sup>rd</sup>, at which time Pof. Welch stated that the driver was also wanted in reference to a code 26 with a police unit and striking a police officer.

The Jeep turned onto I-85, traveling toward Day St. as unit 310 (Hill and Horner) fell in behind this unit. At this time I had not attempted to stop the vehicle. As the Jeep approached I-85 the interchange, I attempted to initiate a traffic stop on the jeep, as it acontinued onto Day. St., turning right onto Day St. I advised that speeds were 50 mph as continued right onto Oak. St. The Jeep traveled on Oak St. approaching speeds of the Jeep turned right onto Mobile Rd. traveling to Hugh St. where it turned right traveling 55 mph as it turned onto Mobile Rd. traveling to Hugh St. where it turned right traveling 40 mph. The Jeep continued on Hugh St. until it turned right onto Chappell. The Jeep continued turning left onto Hill St. toward Day. St., turning left onto Carlisle, then left onto Alma Dr. then left onto Chappell, reaching speeds of 35mph. The Jeep continued on Chappell, turning right onto Garland then left onto Mill St. crossing over Hill St. reaching speeds of 55mph. I then asked a rear unit to call the pursuit as the Jeep turned left onto Rosa L. Parks Av.

At this time, unit 310 began to call the pursuit. The jeep traveled on Rosa L. Parks Av. To Mildred St. where it turned left traveling to S. Holt St. where it turned left traveling back toward Day St. The Jeep turned right onto Day St. traveling west crossing over Oak. St. As the Jeep approached Hill St. I attempted to slow as the vehicle began to turn left onto Hill St. The brakes in unit 388 failed to stop my vehicle, at which time I struck the red Jeep. The Jeep was able to continue across Day St. on Hill and I was able to get my vehicle stopped in the turning lane from Hill St. onto Day St. by using my emergency brake. I did not rejoin the pursuit.

The pursuit continued to on Hill St. turning onto Carlisle St. and stopping on Garland St. where the suspect was taken into custody. Unit 312 (Calhoun and Barrier) responded to my location and completed an accident report for vehicle 388. I took photos



of the damage to vehicle 388 which consisted of the front bumper, passenger side marker and turn lenses broken and the driver side turn lens broken. Vehicle 388 was driven to Headquarters.

S.C. Youngblood #343

## PURSUIT REVIEW FORM

ATE: September 30, 2003		en (1)		
UPERVISOR: Lt. G. D. Salum #408				
URSUING OFFICER(S): Sergeant S. C. Youngblood #	‡3 <b>4</b> 3			
. 504 0 12 70 948 6	farland Dr.			
DEFENDANT: Robert A Wermuth, B/M, 9-13-70, 948 Garland Dr.  DEJAILS OF PURSUIT:  On 09-30-03, at approx. 0345 Unit 322, J. C. Welch #1222 & M. C. Deramus # approached a vehicle wanted for possibly being stolen On 09-30-03, at approx. 0345 Unit 322, J. C. Welch #1222 & M. C. Deramus # approached the vehicle, a red Jeep Cherokee and a theft in the parking lot of the Quick Shop located at 565 N. East Boulevard. The officers approached the vehicle, a red Jeep Cherokee and a theft in the parking lot of the Quick Shop located at 565 N. East Boulevard. The officers approached the vehicle, a red Jeep Cherokee and a theft in the parking lot of the Quick Shop located at 565 N. East Boulevard. The officers approached the vehicle and Unit which time the driver; later identified as B/M, Robert Wermuth, age 23, of 948 Garland Dr. fled the scene dragging Officer Welch and it which time the driver; later identified as B/M, Robert Wermuth, age 23, of 948 Garland Dr. fled the scene dragging Officer Welch and it which time the driver; later identified as B/M, Robert Wermuth, age 23, of 948 Garland Dr. fled the scene dragging Officer Welch and it which time the driver; later identified as B/M, Robert Wermuth, age 23, of 948 Garland Dr. fled the scene dragging Officer Welch and it which time the driver; later identified as B/M, Robert Wermuth, age 23, of 948 Garland Dr. fled the scene dragging Officer Welch and it which time the driver; later identified as B/M, Robert Wermuth, age 23, of 948 Garland Dr. fled the scene dragging Officer Welch and it which time the driver; later identified as B/M, Robert Wermuth, age 23, of 948 Garland Dr. fled the scene dragging Officer Welch and it which time the driver; later identified as B/M, Robert Wermuth, age 23, of 948 Garland Dr. fled the scene dragging Officer Welch and it which time the driver; later identified as B/M, Robert Wermuth, age 23, of 948 Garland Dr. fled the scene dragging Officer Welch and It which the scene dragging Officer Welch and It which the scene dragging Officer Welch				
REASON FOR PURSUIT: Assault 1st Degree of a Po	lice Officer			
REASON FOR PURSUIT:				
Time of day: 0347 hrs				
b. Traffic Conditions Good				
d Poadway Lighting: Street Eights				
e. Vehicle Speed. 50 mp. straight, level and curved. To	wo and four lanes.			
h. Number of MPD Officers Involved: 3 i. Other Agencies and Vehicles Involved: N/A				
i. Other Agencies and Vehicles in the season of Offender's Vehicle:		Tools		
	Year: 2001	Make: Jeep		
Color: Red	Tag No:3A8297C	Condition: Good		
Model:Cherokee				
Was any action taken against the suspect vehicle				
NO				
What circumstances necessitated this action?				
What circumstances necessitated this deal				
N/A				
What role did assisting agencies have in the pur NONE	suit?			

The vehicle was possiby stolen, involved in a theft from the Quick Shop, 565 N. East Blvd. and the assault on a officer attempting to apprehend him. The pursuit reached speeds of 50 mph with no traffic. The risk of danger to the Public was minimal due to the time and absence of traffic. The suspect was pursual reaction species of 50 mph with no marine. The fish of danger to the Fundamental and to the first end when his brakes failed, striking the apprehended attempting to flee the vehicle. Unit 388, driven by SGT Youngblood received minor damage to the front end when his brakes failed, striking the rear of the suspect vehicle. The pursuit was conducted within the guidelines of the Departmental Rules and Regulations.

S. C. Yourself and #343

## Memorandum

To : Captain T. B. Essex

From : Lieutenant R. F. Byrne #181

Date: September 29, 2003

Subject: Vehicle Pursuit

I have reviewed the pursuit form concerning the pursuit on September 29, 2003 at 0347 hours. The officers acted in accordance with the Rules and Regulations of the Montgomery Police Department. Their response was within the scope of their authority.

Lieutenant K. F. Byrne #181

Page 9 of 9